

STATE OF IOWA
PROPERTY ASSESSMENT APPEAL BOARD

Robert and Jodi Hopkins,
Petitioners-Appellants,

v.

Polk County Board of Review,
Respondent-Appellee.

ORDER

Docket No. 11-77-0451
Parcel No. 141-00148-005-000

On December 29, 2011, the above captioned appeal came on for consideration before the Property Assessment Appeal Board. The appeal was conducted under Iowa Code section 441.37A(2) and Iowa Administrative Code rules 701-71.21(1) et al. The Appellants, Robert and Jodi Hopkins, were self-represented and requested a written consideration. The Polk County Board of Review designated Assistant County Attorneys Ralph Marasco, Jr., David Hibbard, and Anastasia Hurn as its legal representatives. The Appeal Board having reviewed the record and being fully advised, finds:

Findings of Fact

Robert and Jodi Hopkins are the owners of a residential, single-family property located at 414 5th Street NW, Mitchellville, Iowa. The property is a one-story home, built in 1969, and has 1092 square feet of total living area. The property has a full, unfinished basement. Additionally, the dwelling has a 364 square-foot attached garage and a 484 square-foot detached garage. The site is 0.25 acres.

The Hopkinse protested to the Polk County Board of Review regarding the 2011 assessment of \$125,700, which was allocated as \$23,400 in land value and \$102,300 in improvement value. Their claim was that the assessment was not equitable as compared with the assessments of other like

property under Iowa Code section 441.37(1)(a). They did not request a hearing with the Board of Review.

The Board of Review denied the protest.

The Hopkinses then appealed to this Board reasserting their claim of inequity and claiming the correct value of their property was \$115,400, allocated as \$23,400 in land value, and \$92,000 in improvement value.

On the protest form to the Board of Review, the Hopkinses listed three properties as equity comparables and provided the following information:

Tax District/Parcel	Street Address	Assessed At:
141/00148-003-000	402 5th St NW	\$112,100
141/00144-000-000	407 5th St NW	\$115,600
141/00147-000-000	401 5th St NW	\$116,200

No other explanation was provided and no other information was presented by the Hopkinses.

The Board of Review provided some information about these properties in an equity comparison analysis it provided, but property record cards for the properties were not included in the record. Based upon the known information about these properties, they are all larger in total living area (TLA) ranging from 1200 to 1352 square feet compared to the subject's TLA of 1092 square feet. They were built between 1959 and 1967, similar to the subject property's year built of 1969. Two of the properties have a similar 4+5 grade like the subject, and the third property has a 4-5 grade.

The Board of Review's appraiser analysis points out that none of the comparables feature brick veneer like the subject, and none of them have an attached garage.¹ It further states that these reasons are why "the subject's assessed value is higher than the comparables that were provided." The only method of valuation provided in the appraiser analysis is the cost approach. We note the sales comparison approach is the required and preferred method of valuing property for tax assessment purposes. Only if the value cannot readily be determined using comparable sales, may "other factors"

¹ We note that while none of the three comparables have an attached garage similar to the subject, the owner equity analysis in the record, completed for the Board of Review, indicates all three have detached garages.

such as the income or cost approaches be considered. There is nothing in the record to indicate sales were not available for analysis or available sales resulted in an unreliable analysis.

In their petition to this Board, the Hopkinses assert that a property located at 412 5th Street NW has a 2011 total assessment of \$119,400, allocated as \$23,400 to the land, and \$96,000 to the improvements. They point out that like their property, this comparable has a one-car attached garage, a two-car detached garage, and a shed, yet has a lower assessment assigned to the improvements.

The record indicates this property also has a 4+5 grade and above normal condition rating just like the subject. It is also comparable in total living area. As such, the Hopkinses concerns about equity seem to be reasonable based upon this single comparison. However, an equity analysis also requires more than a single comparison and a determination of market value for each property.

The Hopkinses also wrote that the property located at 402 5th Street NW, has a two-car detached garage similar to theirs. As previously noted, the appraiser analysis indicated this property did not have any attached garage.

The burden, however, is with the Hopkinses and none of their equity comparables were recent sales and no market value was determined for any of the properties. In short, there is not enough information in the record to develop a ratio analysis. Likewise, there is no claim by the Hopkins that these properties were valued using different methods.

The record also includes a list of all the properties in the subject's immediate area. There are sixty-two properties listed but twenty-six properties are different than the subject in style or occupancy. Nine properties have a 4+5 grade and an above normal condition rating like the subject. These properties had between 1008 to 1646 square-feet of living area with a median of 1190 square feet; were built between 1963 and 1975, with a median year built of 1968; and a range in assessed value from \$112,400 to \$142,000, with a median of \$125,200. Additionally, the assessed value per square foot of these nine properties ranges from \$83.17 to \$113.41, with a median of \$104.44. While the subject's total assessed value of \$125,700 is within the assessed value range and near the median,

the subjects assessed value per square foot of \$115.11, is outside the range of properties that offer similar age, quality grade, and condition. However, without more detailed data and analysis, this evidence does not support an assertion that the subject property is inequitably assessed.

The Board of Review did not provide any additional evidence.

Based on the foregoing, we find insufficient evidence to demonstrate the subject property is inequitably assessed.

Conclusions of Law

The Appeal Board applied the following law.

The Appeal Board has jurisdiction of this matter under Iowa Code sections 421.1A and 441.37A (2011). This Board is an agency and the provisions of the Administrative Procedure Act apply to it. Iowa Code § 17A.2(1). This appeal is a contested case. § 441.37A(1)(b). The Appeal Board determines anew all questions arising before the Board of Review related to the liability of the property to assessment or the assessed amount. § 441.37A(3)(a). The Appeal Board considers only those grounds presented to or considered by the Board of Review. § 441.37A(1)(b). But new or additional evidence may be introduced. *Id.* The Appeal Board considers the record as a whole and all of the evidence regardless of who introduced it. § 441.37A(3)(a); *see also Hy-vee, Inc. v. Employment Appeal Bd.*, 710 N.W.2d 1, 3 (Iowa 2005). There is no presumption that the assessed value is correct. § 441.37A(3)(a).

To prove inequity, a taxpayer may show that an assessor did not apply an assessing method uniformly to similarly situated or comparable properties. *Eagle Food Centers v. Bd. of Review of the City of Davenport*, 497 N.W.2d 860, 865 (Iowa 1993). Alternatively, a taxpayer may show the property is assessed higher proportionately than other like property using criteria set forth in *Maxwell v. Shriver*, 257 Iowa 575, 133 N.W.2d 709 (1965). The six criteria include evidence showing


“(1) that there are several other properties within a reasonable area similar and comparable . . . (2) the amount of the assessments on those properties, (3) the actual value of the comparable properties, (4) the actual value of the [subject] property, (5) the assessment complained of, and (6) that by a comparison [the] property is assessed at a higher proportion of its actual value than the ratio existing between the assessed and the actual valuations of the similar and comparable properties, thus creating a discrimination.”

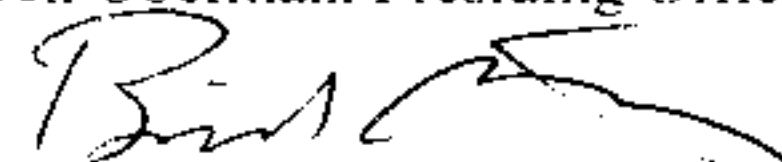
Id. at 579-580. The gist of this test is the ratio difference between assessment and market value, even though Iowa law now requires assessments to be 100% of market value. § 441.21(1).

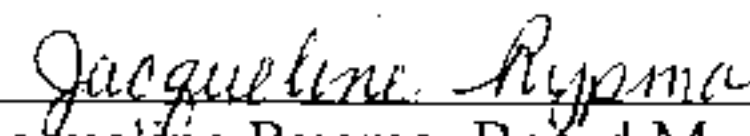
The Hopkinses provided four properties they considered to be equity comparables. While the evidence in the record is scant, it does indicate these properties are reasonably comparable. However, the market value of the properties has not been determined. Therefore, an equity analysis can not be completed. The Hopkinses did not show inequity under the tests of *Maxwell* or *Eagle Foods*.

THE APPEAL BOARD ORDERS the assessment of Robert and Jodi Hopkins' property located at 414 5th Street NW, Mitchellville, Iowa, of \$125,700, as of January 1, 2011, set by the Polk County Board of Review, is affirmed.

Dated this 24 day of January, 2012.


Karen Oberman, Presiding Officer


Richard Stradley, Board Chair


Jacqueline Rypma, Board Member

Cc:

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APPELLANT

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Certificate of Service	
The undersigned certifies that the foregoing instrument was served upon all parties to the above cause & to each of the attorney(s) of record herein at their respective addresses disclosed on the pleadings on <u>1-24</u> , 2012	
By:	<input checked="" type="checkbox"/> U.S. Mail <input type="checkbox"/> FAX
	<input checked="" type="checkbox"/> Hand Delivered <input type="checkbox"/> Overnight Courier
	<input type="checkbox"/> Certified Mail <input type="checkbox"/> Other
Signature	